

E AND R AMENDMENTS TO LB 884

Introduced by Enrollment and Review Committee: Nordquist, 7,
Chairperson

1 1. Strike the original sections and all amendments
2 thereto and insert the following new sections:

3 Section 1. Section 29-431, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 29-431 As used in sections 28-416, 29-422, 29-424,
6 29-425, ~~and~~ 29-431 to 29-434, and 48-1231, unless the context
7 otherwise requires, infraction ~~shall mean~~ means the violation of
8 any law, ordinance, order, rule, or regulation, not including
9 those related to traffic, which is not otherwise declared to
10 be a misdemeanor or a felony. Infraction ~~shall include~~ includes
11 violations of section 60-6,267.

12 Sec. 2. Section 48-1230, Revised Statutes Cumulative
13 Supplement, 2008, is amended to read:

14 48-1230 (1) Except as otherwise provided in this section,
15 each employer shall pay all wages due its employees on regular
16 days designated by the employer or agreed upon by the employer and
17 employee. Thirty days' written notice shall be given to an employee
18 before regular paydays are altered by an employer. An employer
19 may deduct, withhold, or divert a portion of an employee's wages
20 only when the employer is required to or may do so by state or
21 federal law or by order of a court of competent jurisdiction or
22 the employer has written agreement with the employee to deduct,
23 withhold, or divert.

1 (2) Within ten working days after a written request is
2 made by an employee, an employer shall furnish such employee with
3 an itemized statement listing the wages earned and the deductions
4 made from the employee's wages under subsection (1) of this section
5 for each pay period that earnings and deductions were made. The
6 statement may be in print or electronic format.

7 ~~(2)~~ (3) Except as otherwise provided in section
8 48-1230.01:

9 (a) Whenever an employer, other than a political
10 subdivision, separates an employee from the payroll, the unpaid
11 wages shall become due on the next regular payday or within two
12 weeks of the date of termination, whichever is sooner; and

13 (b) Whenever a political subdivision separates an
14 employee from the payroll, the unpaid wages shall become due within
15 two weeks of the next regularly scheduled meeting of the governing
16 body of the political subdivision if such employee is separated
17 from the payroll at least one week prior to such meeting, or if an
18 employee of a political subdivision is separated from the payroll
19 less than one week prior to the next regularly scheduled meeting of
20 the governing body of the political subdivision, the unpaid wages
21 shall be due within two weeks of the following regularly scheduled
22 meeting of the governing body of the political subdivision.

23 Sec. 3. Section 48-1231, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 48-1231 (1) An employee having a claim for wages which
26 are not paid within thirty days of the regular payday designated or
27 agreed upon may institute suit for such unpaid wages in the proper

1 court. If an employee establishes a claim and secures judgment on
2 the claim, such employee shall be entitled to recover ~~(1)~~ (a) the
3 full amount of the judgment and all costs of such suit and ~~(2)~~ (b)
4 if such employee has employed an attorney in the case, an amount
5 for attorney's fees assessed by the court, which fees shall not be
6 less than twenty-five percent of the unpaid wages. If the cause is
7 taken to an appellate court and the plaintiff recovers a judgment,
8 the appellate court shall tax as costs in the action, to be paid
9 to the plaintiff, an additional amount for attorney's fees in such
10 appellate court, which fees shall not be less than twenty-five
11 percent of the unpaid wages. If the employee fails to recover a
12 judgment in excess of the amount that may have been tendered within
13 thirty days of the regular payday by an employer, such employee
14 shall not recover the attorney's fees provided by this section. If
15 the court finds that no reasonable dispute existed as to the fact
16 that wages were owed or as to the amount of such wages, the court
17 may order the employee to pay the employer's attorney's fees and
18 costs of the action as assessed by the court.

19 (2) An employer who fails to furnish an itemized
20 statement requested by an employee under subsection (2) of section
21 48-1230 shall be guilty of an infraction as defined in section
22 29-431 and shall be subject to a fine pursuant to section 29-436.

23 Sec. 4. Section 48-1232, Revised Statutes Cumulative
24 Supplement, 2008, is amended to read:

25 48-1232 If an employee establishes a claim and secures
26 judgment on such claim under subsection (1) of section 48-1231: (1)
27 An amount equal to the judgment may be recovered from the employer;

1 or (2) if the nonpayment of wages is found to be willful, an amount
2 equal to two times the amount of unpaid wages shall be recovered
3 from the employer. Any amount recovered pursuant to subdivision (1)
4 or (2) of this section shall be remitted to the State Treasurer
5 for distribution in accordance with Article VII, section 5, of the
6 Constitution of Nebraska.

7 Sec. 5. Original sections 29-431 and 48-1231, Reissue
8 Revised Statutes of Nebraska, and sections 48-1230 and 48-1232,
9 Revised Statutes Cumulative Supplement, 2008, are repealed.

10 2. On page 1, line 1, strike "section" and insert
11 "sections 29-431 and"; and in line 6 strike "remedy" and insert
12 "penalty".